

In Touch with WDMO

Your District Court News Source



Spring 2006

Notes from The Clerk of Court.....

It is time for you all to hear from us again as we work to ensure that you have the most current information available about our Case Management Electronic Case File (CM/ECF) system. It is our hope that you are able to use this tool to the fullest and that you find it helpful in managing your individual practice.

Some of you have been with us from the beginning which now has been nine years ago. The Western District of Missouri was one of five District Courts approved to participate in the prototype version of what was then known only as ECF. We entered the program in March of 1997 and the first case in the Western District of Missouri was placed on this electronic docket in October of that same year. Things have changed considerably since then. There are now 91 District Courts across the country participating in CM/ECF with 85 of them being fully operational. And while one of you may have been our first case and entered our first docket entry; as of the end of February 2006 there are 7,140,000 cases in the system nationwide and a total of 161,810,000 docket entries have been made into CM/ECF. Thank you to all who helped along the way.

THANK YOU!!

This newsletter is designed to keep you up to date with what is happening here at the Court. A fee increase will be discussed as will some changes anticipated in CM/ECF itself. The fee increase was approved by Congress and the proceeds, unlike previous increases, will not be held particularly for use by the Courts but rather will go into the Treasury at large. It came as much as a surprise to us in the Judiciary as it does to you.

As always, if we can provide better service for you and your clients, please let us know. Take full advantage of our home page and call for help when necessary. Our goal is to assist you in the best way possible so let us hear from you about how we can do that better.

Pat Brune

Clerk of Court
U.S. District & Bankruptcy Courts
Western Missouri

FILING FEE INCREASE NEW CASES & APPEALS

An increase in the fee for a filing new civil case and for the filing of an appeal will go into effect on Sunday, April 9, 2006.

**Civil case filing fee - \$350
Appeal filing fee - \$455**

Please make note of this increase so new cases or appeals you file after this date will be accompanied by the appropriate amount. The fee amounts will be updated in CM/ECF so the correct amount will be charged when the online payment method is used.

Reminders.....



- **Annual Attorney Fee**

The annual bar fee must be postmarked no later than March 31. If you did not receive a renewal notice, and believe you should, please contact Attorney Admissions:
laura_bax@mow.uscourts.gov
(573) 636-4015

Failure to renew in a timely manner will result in a \$150 reinstatement fee.

- **Avoid Filing Errors**

Please review the document you intend to file to ensure it is the correct document. Right click on the file name when you attach it via CM/ECF. Adobe Acrobat will open so you can view the document.

If you electronically file a document and discover a problem – contact the CM/ECF Help Line - 1-800-466-9302. **DO NOT** immediately re-file the document.



Register a Judgment from Another District?

Easy as AO 451

You've just won a judgment in the District of Kansas. Excellent! There's only one problem – the defendant's assets lie within the Western District of Missouri. How are you going to execute the judgment?

1. Ensure that your judgment meets the following criteria:
 - The judgment must have become final by appeal; or,
 - The time for appeal must have expired; or,
 - Registration must be ordered for good cause by the court which entered the judgment.
2. Obtain a copy of the judgment and an A.O. 451 "Certification of Judgment for Registration in a Foreign District" completed by the Court issuing the judgment.
3. Contact the Clerk's Office for the electronic filing procedure. A Miscellaneous filing fee will be required.

There are two exceptions to this procedure.

- ▶ If the judge has *ordered* the judgment to be registered, then only the certified copy of the judgment and the order is needed.
- ▶ If you represent the USA, you can register that judgment at any time pursuant to 28 U.S.C. 1963. You need a certified copy of the judgment showing the "entry on docket" stamp.

A.O. 451 - www.mow.uscourts.gov/Formpage/distform.htm
Fee Schedule - www.mow.uscourts.gov/rulespag.htm

INITIATING A NEW CIVIL CASE

The process for filing a new case is an easy one!



- ▶ The attorney or staff member faxes a **completed** civil cover sheet to the Clerk's Office.

The civil cover sheet may be faxed to any courthouse. The fax numbers are:

Kansas City	(816) 512-5078
Jefferson City	(573) 636-3456
Springfield	(417) 865-7719

The fax machine in each office accepts documents 24 hours a day. **Faxed civil cover sheets will be processed Monday - Friday between 9:00 am and 4:30 pm, during Clerk's Office public hours.** Please keep this in mind when a deadline for filing a new case is approaching.

- ▶ A case number and judge are drawn upon receipt of the civil cover sheet by the Clerk's Office.
- ▶ A Clerk's Office employee will contact the attorney and give them the case number and judge assigned.
- ▶ The attorney must file the complaint or notice of removal as soon as possible after receiving notification from the court that the basic case information is available via CM/ECF.

The transmittal of the civil cover sheet **does not** constitute the filing of the case.

The filing of the Complaint or the Notice of Removal by the attorney initiates the case in accordance with Federal Rules of Civil Procedure 3.

The payment of the filing fee can be made online during the electronic filing of the complaint or notice of removal. (see Fee Payment Options article)

JS 44 - Civil Coversheet
Civil Complaint
www.mow.uscourts.gov/Formpage/distform.htm



I KNOW IT'S HERE... BUT WHERE?

Have you ever had a document to file electronically, but you just couldn't find the appropriate ECF event code? Below are some common documents for which filers have had a difficult time finding the appropriate ECF event code:

<u>Document</u>	<u>Event Category</u>
Disclosure of Corporate Interest	Discovery Documents
Certificate of Service of Rule 26 Disclosures	Discovery Documents
Designation	Trial Documents
Designation of Neutral	Other Filings
Entry of Appearance	Notices
Unusual motions that don't fit any motion type listed	Motions*

*Under the *Motions* category you will find a motion type titled ORDER. This will allow you to file your motion and text for the type of relief you are seeking.

NOTICES REGARDING EXHIBIT ATTACHMENT are **not** filed separately, but rather as an attachment to the document in which it relates.

CIVIL COVER SHEETS are **not** filed separately. Cover sheets are an attachment to the Complaint or Notice of Removal.



If all else fails, call the ECF Help Line - 1-800-466-9302.

COMING THIS YEAR

Web-based Civil Cover Sheet

Completion of this required document
made easier!



AND



Administrative Office of the U.S. Courts
PACER Service Center

WHY TWO ACCOUNTS?

One of the questions the Clerk's Office receives from attorneys is "Why do I need both a CM/ECF and PACER account?"

Hopefully this will provide an answer to that question and others.

A CM/ECF login and password are issued by the Clerk's Office, upon completion of the Attorney/Participant Registration Form, to attorneys who are members of the Western District of Missouri Bar or who have been admitted Pro Hac Vice in a particular case. The CM/ECF login and password belong to the attorney and go with him/her wherever he/she practices. The CM/ECF login and password are to be used when electronically filing a document as they have the same effect as a signature. There isn't a fee associated with the issuance of a CM/ECF login and password nor is there a fee associated with usage of the login and password.

A PACER login and password are issued by the PACER Service Center.

They can be obtained online:
<http://pacer.psc.uscourts.gov>

or by calling 1-800-676-6856.

The issuance of a PACER login and password is not limited to attorneys. They will be given to law firms, attorneys, and members of the public. There isn't a fee associated with the issuance of a PACER login and password. There is a fee associated with the usage of a PACER login and password. The fee is \$.08 per page and will be billed on a quarterly basis. There is a maximum fee of \$2.40 per document.

Attorneys who are appointed under the Criminal Justice Act may obtain a separate exempt PACER login and password. This login and password **can only be used** when reviewing documents associated with the representation for which they were appointed. No charges will be accrued when this account is used. A CJA appointed attorney should obtain both an exempt login and password and a regular login and password.

Attorneys with a CM/ECF login and password will receive "one free look" at each document filed that is not sealed or filed ex parte. This free look is available through the Notice of Electronic Filing which is emailed when a filing is made. If an attorney wishes to view a document after using the free look the PACER login and password must be used.

Social Security cases have access restrictions imposed by the Judicial Conference of the United States. These restrictions limit access to documents to attorneys involved in the case. Therefore, when viewing documents associated with social security cases, after the free look has been used, it is necessary to use both the CM/ECF login and password and the PACER login and password.

In summary, a CM/ECF login and password is used for filing documents and a PACER login and password is used to view documents after the free look has been used.

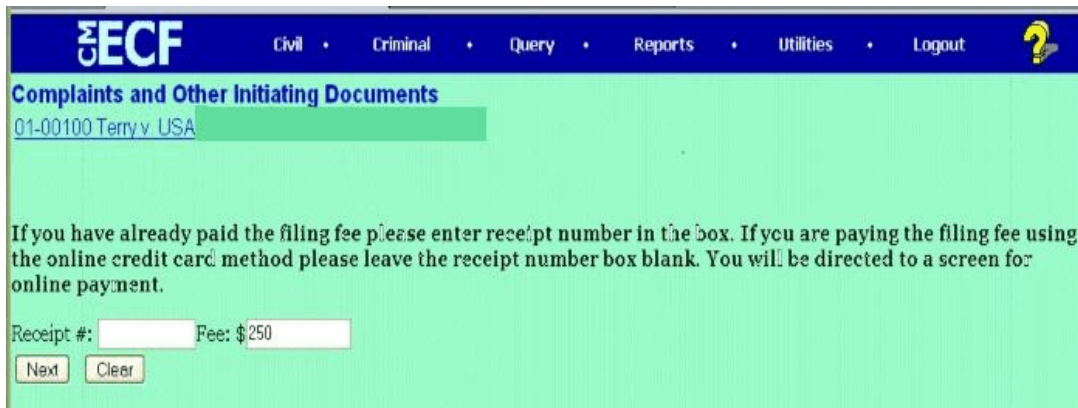
Fee Payment Options

There are a number of ways in which to pay your filing fees in the Western District of Missouri.

Pay by Credit Card Online!

The new **pay.gov** feature allows you to pay case filing fees, appellate filing fees and pro hac vice fees online by using a Mastercard, Visa, Discover or American Express Card.

- ▶ Leave the receipt number box blank



- ▶ Click *Next*
- ▶ Input your name and credit card information on the pay.gov screen

The program generates a receipt number and places it in the docket text.

Paying by credit online is the only way you can pay at the time of filing. All other methods require that you pay in advance.

Pay Cash, Check or Money Order at the Window

Pay the filing fee in advance, then input the receipt number in the box that appears during the filing of a complaint, appeal or pro hac vice motion.

Pay by Credit Card at the Window

Since payment with a credit card online is so easy, many prefer that method. However, we still accept credit card payment at the window. You can use your card in person, or you can file a credit card authorization with our finance department which will issue a password for your staff member to use at the window. Pay in advance, input receipt number.

Any questions, contact the CM/ECF Help Line - 1-800-466-9302.



6th Annual D. Brook Bartlett Lectures

Friday, June 30, 2005

Charles Evans Whittaker Courthouse*
Kansas City, MO



Two Sessions Available

Program Agendas

Morning Session

8:30 am
Registration

9:00 am
Supreme Court Year in Review
Prof. Drew S. Days III
Yale Law School

10:00 am
**Electronic Discovery - Amendments
to the Federal Rules of Procedure**

Kenneth J. Withers
Managing Director, The Sedona Conference
Sedona, AZ

Jonathan M. Redgrave
Redgrave Daley Ragan & Wagner LLP
Washington, DC

The Honorable Lee Rosenthal
U.S. District Judge
Southern District of Texas

11:00 am
A Conversation with the Judges
WDMO Bench

Afternoon Session

12:30 pm
Registration

1:00 pm
A Conversation with the Judges
WDMO Bench

2:00 pm
Supreme Court Year in Review
Prof. Drew S. Days III
Yale Law School

3:00 pm
**Electronic Discovery - Amendments
to the Federal Rules of Procedure**

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Sedona, AZ

Jonathan M. Redgrave
Redgrave Daley Ragan & Wagner LLP
Washington, DC

The Honorable Lee Rosenthal
U.S. District Judge
Southern District of Texas

12:00 noon - **Free** BBQ LUNCH

Official Registration Announcement - Early June

Program open to WDMO **Active** members - **No** Registration Fee

Registration is Required - Seating is Limited

* Efforts are being made to possibly bring live video-conferencing of this event to
Jefferson City and Springfield — Watch for future announcements!

